

February 9, 2017

The City Council of the City of Idaho Falls met in Regular Council Meeting, Thursday, February 9, 2017, in the Council Chambers in the City Annex Building located at 680 Park Avenue in Idaho Falls, Idaho at 7:30 p.m.

Call to Order:

There were present:

Mayor Rebecca L. Noah Casper
Councilmember David M. Smith
Councilmember Thomas Hally
Councilmember John B. Radford
Councilmember Michelle Ziel-Dingman
Councilmember Barbara Ehardt
Councilmember Ed Marohn

Also present:

Randy Fife, City Attorney
Kathy Hampton, City Clerk
All available department directors

Pledge of Allegiance:

Mayor Casper invited Xavier Jones, an 8th grade student at Taylorview Jr. High School and Boy Scout Troop #310, to lead those present in the Pledge of Allegiance.

Public Comment:

Mayor Casper requested any public comment not related to items on the agenda. No one appeared.

It was moved by Councilmember Marohn, seconded by Councilmember Radford, to table Municipal Services Item 5.C.3) Temporary Office Space Lease, 700 Park Avenue, for two (2) weeks. Councilmember Ehardt believes due to recent information received the Council may need additional discussion for this item. Roll call as follows: Aye – Councilmember Ehardt, Radford, Smith. Nay – Councilmembers Marohn, Dingman, Hally. Mayor Casper indicated due to possible concern from Councilmembers for this item, she will vote in favor to table the item stating this item will be included on the next agenda.

Consent Agenda:

Office of the Mayor requested reappointments to City Boards, Committees and Commissions as follows:

Bill Combo – Parks and Recreation Commission Reappointment
Tom Hersh – Parks and Recreation Commission Reappointment
Randy Westergard – Shade Tree Committee Reappointment
Rick Carosone – Golf Advisory Board Reappointment
Gary Lattimore – Golf Advisory Board Reappointment
Natalie Black – Planning and Zoning Commission Reappointment
Margaret Wimborne – Planning and Zoning Commission Reappointment

Municipal Services requested approval of Bid-IF-17-11, Motor Fuel and Lubricants (Annual Operating Purchase for Fleet Maintenance).

Municipal Services requested approval of Bid IF-17-L, Replacement Vehicles (Scheduled Equipment Replacement).

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Idaho Falls Power requested approval to ratify power transactions with Battelle Energy Alliance LLC (BEA).

The City Clerk requested approval of minutes from the January 23, 2017 Council Work Session; January 24, 2017 Special Council Meeting; and February 1, 2017 Council Work Session.

The City Clerk requested approval of license applications, all carrying the required approvals.

It was moved by Councilmember Marohn, seconded by Councilmember Radford, to approve all items on the Consent Agenda according to the recommendations presented. Roll call as follows: Aye – Councilmembers Smith, Hally, Dingman, Radford, Ehardt, Marohn. Nay – none. Motion carried.

Regular Agenda:

Fire Department

Subject: First Amendment to the Ambulance Service Contract with Bonneville County

This amendment has been requested from Bonneville County to add language to the agreement that the City of Idaho Falls will pay \$500.00 per month for lease of the County's facility in Swan Valley. This action clarifies the parties' responsibility and dispels discussion that the County is subsidizing the City.

Councilmember Marohn stated this agreement has been in place since July 2016. He indicated the lease amount will be offset by the County's support of a snowblower as well as a cardiac monitor.

It was moved by Councilmember Marohn, seconded by Councilmember Radford, to approve the First Amendment to the Ambulance Service Contract with Bonneville County and give authorization for the Mayor and City Clerk to sign contract documents. Roll call as follows: Aye – Councilmembers Hally, Marohn, Radford, Dingman, Ehardt. Nay – Smith. Motion carried.

Subject: Mutual Aid Agreement between the City of Idaho Falls and the Shelley-Firth Rural Fire District

This agreement reflects a mutual aid understanding that if either party has a major incident the other party may call for assistance.

Councilmember Marohn stated this agreement, along with the following two (2) agreements, are to memorialize verbal agreements. He indicated all three (3) agreements include a 30-day termination notice.

It was moved by Councilmember Marohn, seconded by Councilmember Radford, to approve the Mutual Aid Agreement with the Shelley-Firth Rural Fire District and give authorization for the Mayor and City Clerk to sign contract documents. Roll call as follows: Aye – Councilmembers Ehardt, Radford, Smith, Marohn, Dingman, Hally. Nay – none. Motion carried.

Subject: Mutual Aid Agreement between the City of Idaho Falls and the Central Fire District

This agreement reflects a mutual aid understanding that if either party has a major incident the other party may call for assistance.

It was moved by Councilmember Marohn, seconded by Councilmember Radford, to approve the Mutual Aid Agreement with the Central Fire District and give authorization for the Mayor and City Clerk to sign contract documents. Roll call as follows: Aye – Councilmembers Radford, Ehardt, Hally, Smith, Marohn, Dingman. Nay – none. Motion carried.

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Subject: Mutual Aid Agreement between the City of Idaho Falls and the City of Ucon

This agreement reflects a mutual aid understanding that if either party has a major incident the other party may call for assistance.

It was moved by Councilmember Marohn, seconded by Councilmember Radford, to approve the Mutual Aid Agreement with the City of Ucon and give authorization for the Mayor and City Clerk to sign contract documents. Roll call as follows: Aye – Councilmembers Marohn, Dingman, Ehardt, Hally, Radford, Smith. Nay – none. Motion carried.

Parks and Recreation

Subject: Resolution to accept WaterSMART Grant Funds

For consideration is a Resolution committing \$300,000 of matching funding and in-kind support upon receipt of funding from the U.S. Department of the Interior Bureau of Reclamation for a WATERSMART Water Grant for the City's Pinecrest Golf Course Irrigation Efficiency Improvement Project.

Councilmember Radford stated the grant process requires commitment of a resolution. He indicated due to the grant not being approved at this time, the funding source is still being determined. Parks and Recreation Director Greg Weitzel indicated this item was discussed at the January 23, 2017 Work Session. Matching funds would be budgeted from existing capital funds. He stated this is a three (3) year capital project with the end result being removal of the irrigation system from the City potable water system to a surface irrigation system. This would save the City approximately 57 million gallons/year in culinary water. Total grant amount request is for \$1 million. It was estimated total project costs would amount to \$2.2-2.8 million. Director Weitzel stated the department is also pursuing additional grants to assist with funding. He stated the federal grant must be awarded on a yearly basis which would require Council approval on a yearly basis as well. He indicated in-kind work could fulfill terms of the grant. Director Weitzel stated the grant announcement would occur in June and any potential funding sources could be identified in the upcoming budget session for FY2017/2018. Councilmember Smith believes Pinecrest Golf Course is an asset to the City and this grant would allow a continual water source at a reduced cost. He indicated there would be substantial cost savings over the course of time by eliminating the current pumping process.

It was moved by Councilmember Radford, seconded by Councilmember Hally, to approve the resolution and give authorization for the Mayor and City Clerk to sign any necessary documents. Roll call as follows: Aye – Councilmembers Ehardt, Marohn, Hally, Radford, Smith, Dingman. Nay – none. Motion carried.

Subject: War Bonnet Round Up Professional Services Agreement

For consideration is an agreement with Mo Betta Rodeo, Inc. for four (4) nights of rodeo production in August 2017. This agreement has a one (1) year term.

Director Weitzel stated Mo Betta Rodeo provides an umbrella insurance policy which would assist with previous liability concerns. He indicated the rodeo could not occur without the multiple sponsors as well and he expressed his appreciation to those sponsors. Mr. Fife recommended moving individual agreements to one (1) producer for ease of service and to move the liability away from City. He indicated the City also participates with ICRMP (Idaho Counties Risk Management) for insurance coverage.

It was moved by Councilmember Radford, seconded by Councilmember Hally, to approve the agreement with Mo Betta Rodeo, Inc. and give authorization for the Mayor and City Clerk to sign contract documents. Roll call as follows: Aye – Councilmembers Dingman, Radford, Marohn, Smith, Hally, Ehardt. Nay – none. Motion carried.

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Subject: Idaho Falls Zoo at Tautphaus Park Concession Agreement

For consideration is the Idaho Falls Zoo at Tautphaus Park Concession Agreement with Mountain Foods. This agreement has a one (1) year term.

It was moved by Councilmember Radford, seconded by Councilmember Hally, to approve the agreement with Mountain Foods and give authorization for the Mayor and City Clerk to sign contract documents. Roll call as follows: Aye – Councilmembers Radford, Ehardt, Smith, Marohn, Dingman, Hally. Nay – none. Motion carried.

Subject: Golf Facility Concession Agreement

For consideration is the Golf Facility Concession Agreement with MLC Taylor Services, LLC to operate the cafes at Pinecrest, Sand Creek and Sage Lake Golf Courses. This agreement has a three (3) year term.

Director Weitzel stated this is a new agreement due to the retirement of the previous vendor. The manager of the previous vendor has started his own company and was the sole bidder for this agreement.

It was moved by Councilmember Radford, seconded by Councilmember Hally, to approve the agreement with MLC Taylor Services, LLC and give authorization for the Mayor and City Clerk to sign contract documents. Roll call as follows: Aye – Councilmembers Hally, Smith, Dingman, Ehardt, Marohn, Radford. Nay – none. Motion carried.

Municipal Services

Subject: Bid IF-17-L Addition to Fleet Vehicles

It is the recommendation of the Municipal Services, Parks and Recreation, and Public Works Departments to piggyback on the State of Idaho Contract (SBPO 16200404) with Smith Chevrolet to purchase two (2) vehicles as additions to the Fleet for a total contract award of \$86,738.23.

Councilmember Marohn stated the Parks and Recreation (P&R) Department requested purchase of a 1-ton flatbed truck with a snowplow for \$42,593.66. This purchase will be an addition to the P&R fleet. Funding to purchase a truck for \$38,000 was approved in the 2016/17 general fund budget for weed and snow activities. However, after review of the equipment specifications, a 1-ton truck was recommended for structural stability for snow removal. The additional \$4,593.66 will be covered by the P&R general fund budget. Councilmember Marohn stated the Public Works (PW) Department requested purchase of a 1-ton flatbed truck with a crane and plow for \$44,144.57. This purchase will be addition to the PW fleet to cover the additional staff members in the Water Division. Funds were budgeted in the PW fund budget for a total of \$65,000.

It was moved by Councilmember Marohn, seconded by Councilmember Smith, to piggyback on the State of Idaho Contract with Smith Chevrolet to purchase two (2) vehicles as additions to the Fleet for a total contract award of \$86,738.23. Roll call as follows: Aye – Councilmembers Smith, Hally, Radford, Dingman, Ehardt, Marohn. Nay – none. Motion carried.

Subject: Municipal Equipment Replacement Fund Resolution

Municipal Services is requesting approval of a resolution to document functions related to the City's Municipal Equipment Replacement Fund (MERF). Adoption of the resolution will standardize and publicize the operational processes to ensure funding is available to retain and replace existing vehicles and equipment as needed.

Councilmember Marohn stated this resolution will formalize and memorialize functions and policy of the MERF. MERF is not intended for additional vehicles, it is to be used for fleet vehicle replacement and helps to stabilize the

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cost of vehicles. It was moved by Councilmember Smith to table consideration of the MERF Resolution for discussion at a Work Session. Mayor Casper believes there is a balance of items to be considered at Work Session and/or Regular Council Meetings. She also believes this item would have required minimal discussion due to previous support of the Council for this particular resolution. Motion died for lack of a second. Councilmember Marohn stated each department shall have a three (3) year plan relative to replacement of vehicles and equipment. Municipal Services Director Pamela Alexander stated the MERF is reviewed on an annual basis. She indicated the three (3) year plan is to allow short-term liability for the fund. Councilmember Ehardt expressed her appreciation to Chandra Witt, General Services Administrator, for her assistance regarding the MERF program. She believes the City is a benefactor of foresight of previous Council and staff. She also believes the MERF will continue to be a benefit to the City.

It was moved by Councilmember Marohn, seconded by Councilmember Radford, to approve the resolution and give authorization for the Mayor and City Clerk to sign the resolution documents. Roll call as follows: Aye – Councilmembers Dingman, Smith, Marohn, Ehardt, Hally, Radford. Nay – none. Motion carried.

Subject: Temporary Office Space Lease, 700 Park Avenue – tabled

Public Works

Subject: Bid Rejection – Lincoln Park Tennis Court Resurfacing

On January 25, 2017, a bid was received and opened for the Lincoln Park Tennis Court Resurfacing project. The only bid received in the amount of \$32,640.00 exceeded the budgeted amount and was 125% of the Engineer's Estimate. Public Works, in consultation with the Parks and Recreation Department, recommends rejection of this bid and that notice of such be sent to the bidder.

It was moved by Councilmember Ehardt, seconded by Councilmember Dingman, to reject the bid for the Lincoln Park Tennis Court Resurfacing project and that notice of such be sent to the bidder. Roll call as follows: Aye – Councilmembers Smith, Hally, Dingman, Radford, Ehardt, Marohn. Nay – none. Motion carried.

Subject: Bid Award – 17th Street and St. Clair Road Canal Improvements

On January 31, 2017, bids were received and opened for the 17th Street and St. Clair Road Canal Improvements project. Public Works recommends approval of the plans and specifications, award to the lowest responsive, responsible bidder, Knife River Corporation – Northwest an amount of \$284,368.00.

Councilmember Ehardt stated the bridge needs addressed prior to future road improvements. She indicated the bridge will be removed and 900 feet of pipe will be installed for the water flow.

It was moved by Councilmember Ehardt, seconded by Councilmember Dingman, to approve of the plans and specifications and award to the lowest responsive, responsible bidder, Knife River Corporation – Northwest an amount of \$284,368.00. Roll call as follows: Aye – Councilmembers Hally, Marohn, Radford, Dingman, Smith, Ehardt. Nay – none. Motion carried.

Subject: Idaho Transportation Department (ITD) State/Local Agreement – East Elva Street, North Holmes Avenue to North Tourist Park

For consideration is a State/Local Agreement with the Idaho Transportation Department and accompanying Resolution for the East Elva Street, North Holmes Avenue to North Tourist Park project. This agreement stipulates that the City will design and construct the project and be reimbursed after making payment to the contractor. The total estimated cost of the project is \$538,350; the City's responsibility is to provide 7.34% or \$39,515 in matching funds.

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Councilmember Ehardt stated this project will surround Pinecrest Golf Course. Councilmember Radford believes this project is needed as a fatal accident has occurred at this intersection. Mayor Casper believes this safety project rectifies the omission of curb and gutter at the golf course. Councilmember Dingman stated this project was identified in the Connecting Our Community Plan.

It was moved by Councilmember Ehardt, seconded by Councilmember Dingman, to adopt the resolution, approve the agreement, and give authorization for the Mayor and City Clerk to sign the necessary documents. Roll call as follows: Aye – Councilmembers Ehardt, Radford, Smith, Marohn, Dingman, Hally. Nay – none. Motion carried.

Subject: Professional Services Agreement and Task Order with Murray, Smith and Associates, Inc. (MSA) for Well No. 1 Upgrades

For consideration is a Professional Services Agreement and Task Order for Well No. 1 upgrades that include design and construction phase services with MSA. MSA will provide engineering services as necessary for a not-to-exceed amount of \$131,846.00.

Councilmember Ehardt stated Well No. 1 was constructed in 1926.

It was moved by Councilmember Ehardt, seconded by Councilmember Dingman, to approve the Professional Services Agreement and give authorization for the Mayor and City Clerk to execute the necessary documents. Roll call as follows: Aye – Councilmembers Radford, Ehardt, Hally, Smith, Marohn, Dingman. Nay – none. Motion carried.

Community Development Services

Final Plat, Development Agreement, and Reasoned Statement of Relevant Criteria and Standards, Linden Trails Division No. 1

For consideration is the application for Final Plat, Development Agreement, and Reasoned Statement of Relevant Criteria and Standards for Linden Trails Division No. 1. The Planning and Zoning Commission reviewed this application at its December 6, 2016 meeting and unanimously recommended approval. Staff concurs with this recommendation.

Councilmember Dingman stated the final plat layout is slightly different from previous presentation due to several townhomes needing to be reconfigured (by the developer) for a Rocky Mountain Power line. She indicated a 10-foot path will resolve the connectivity issue and a traffic study has been completed to address the additional traffic concerns.

It was moved by Councilmember Dingman, seconded by Councilmember Smith, to approve the Development Agreement for Linden Trails Division No. 1, and give authorization for the Mayor and City Clerk to execute the necessary documents. Roll call as follows: Aye – Councilmembers Marohn, Dingman, Ehardt, Hally, Radford, Smith. Nay – none. Motion carried.

It was moved by Councilmember Dingman, seconded by Councilmember Smith, to accept the Final Plat for Linden Trails Division No. 1, and give authorization for the Mayor, City Engineer, and City Clerk to sign said Final Plat. Roll call as follows: Aye – Councilmembers Ehardt, Marohn, Hally, Radford, Smith, Dingman. Nay – none. Motion carried.

It was moved by Councilmember Dingman, seconded by Councilmember Smith, to approve the Reasoned Statement of Relevant Criteria and Standards for the Final Plat for Linden Trails Division No. 1, and give authorization for the Mayor to execute the necessary documents. Roll call as follows: Aye – Councilmembers Dingman, Radford, Marohn, Smith, Hally, Ehardt. Nay – none. Motion carried.

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Public Hearing – Rezone from R-3A to C-1, Zoning Ordinance, and Reasoned Statement of Relevant Criteria and Standards, M&B 0.405 acres, Corner of Broadway and Moonlite

For consideration is the application for Rezone from R-3A to C-1, Zoning Ordinance, and Reasoned Statement of Relevant Criteria and Standards, M&B 0.405 acres, corner of Broadway and Moonlite. The Planning and Zoning Commission reviewed this application at its January 3, 2017 meeting and recommended approval by unanimous vote. Staff concurs with this recommendation.

Mayor Casper opened the public hearing and ordered all information presented be entered into the record.

Community Development Services Director Brad Cramer appeared with the following:

Slide 1-Property under consideration in current zoning designations

Slide 2- Aerial photo of property under consideration

Slide 3- Additional aerial photo of property under consideration

Director Cramer stated the property under consideration is currently a convenient store.

Slide 4- Future Land Use Map of the Comprehensive Plan

Mayor Casper requested any public comment.

Scott Stom, representative of Jacksons Food Store, appeared. Mr. Stom stated the current convenient store would be converted and rebranded to a Jacksons Food Store. The building will remain as is, by footprint, with extensive remodel inside and outside. Fuel service dispensers will also be added.

Mayor Casper requested any other public comment. No one appeared.

Mayor Casper closed the public hearing.

It was moved by Councilmember Dingman, seconded by Councilmember Smith, to approve the Ordinance rezoning M&B 0.405 acres, corner of Broadway and Moonlite, from R-3A to C-1, under the suspension of the rules requiring three complete and separate readings and that it be read by title and published by summary. Roll call as follows: Aye – Councilmembers Radford, Ehardt, Smith, Marohn, Dingman, Hally. Nay – none. Motion carried.

At the request of Mayor Casper, the City Clerk read the ordinance by title only:

ORDINANCE NO. 3112

AN ORDINANCE OF THE CITY OF IDAHO FALLS, IDAHO, A MUNICIPAL CORPORATION OF THE STATE OF IDAHO; PROVIDING FOR THE REZONING OF M&B 0.405 ACRES, SE COR. W1/2, SW1/4, SECTION 14 T 2N, R 37E OF THIS ORDINANCE FROM R-3A ZONE TO C-1 ZONE; AND PROVIDING SEVERABILITY, PUBLICATION BY SUMMARY, AND ESTABLISHING EFFECTIVE DATE.

It was moved by Councilmember Dingman, seconded by Councilmember Smith, to approve the Reasoned Statement of Relevant Criteria and Standards for the rezoning of M&B 0.405 acres, corner of Broadway and Moonlite, from R-3A to C-1, and give authorization for the Mayor to execute the necessary documents. Roll call as follows: Aye – Councilmembers Hally, Smith, Dingman, Ehardt, Marohn, Radford. Nay – none. Motion carried.

There being no further business, it was moved by Councilmember Marohn, seconded by Councilmember Hally, to adjourn the meeting at 8:41 p.m. and move into Executive Session and not reconvene to Regular Council Meeting at the conclusion of the Executive Session. The Executive Session has been called pursuant to the provisions of Idaho Code Section 74-206(1)(f) To communicate with legal counsel for the public agency to discuss the legal ramifications of and legal options for pending litigation, or controversies not yet being litigated but imminently

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likely to be litigated. The mere presence of legal counsel at an executive session does not satisfy this requirement; and Idaho Code Section 74-206(1)(j) To consider labor contract matters authorized under Idaho Code Section 74-206(1)(a) and (b). Roll call as follows: Aye – Councilmembers Smith, Hally, Radford, Dingman, Ehardt, Marohn. Nay – none. Motion carried.

The City Council of the City of Idaho Falls met in Special Council Meeting (Executive Session), Thursday, February 9, 2017, in the City Annex Conference Room in the City Annex Building located at 680 Park Avenue in Idaho Falls, Idaho at 8:52 p.m.

There were present:

Mayor Rebecca L. Noah Casper
Councilmember David M. Smith
Councilmember Barbara Ehardt
Councilmember John B. Radford
Councilmember Ed Marohn
Councilmember Michelle Ziel-Dingman
Councilmember Thomas Hally

Also present:

Pamela Alexander, Municipal Services Director
Dave Hanneman, Fire Chief
Chris Fredericksen, Public Works Director
Randy Fife, City Attorney
Michael Kirkham, Assistant City Attorney

The Executive Session has been called pursuant to the provisions of Idaho Code Section 74-206(1)(j) To consider labor contract matters authorized under Idaho Code Section 74-206(1)(a) and (b); and Idaho Code Section 74-206(1)(f) To communicate with legal counsel for the public agency to discuss the legal ramifications of and legal options for pending litigation, or controversies not yet being litigated but imminently likely to be litigated. The mere presence of legal counsel at an executive session does not satisfy this requirement.

There being no further business, the meeting adjourned at 10:30 p.m.

s/ Kathy Hampton

CITY CLERK

s/ Rebecca L. Noah Casper

MAYOR